IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE K.C. BHANU**

**WRIT PETITION NO : 24053 of 2004**

**Between:**

K. Shankaraiah, s/o Seetaiah, aged 46 years,
Secretary, Primary Agricultural Co-op. Societies Ltd.,

Yellore, Bejjur Mandal, Adilabad District.

**..... PETITIONER**

AND

1. The Manager/Person Incharge,

Primary Agricultural Coop. Societies Ltd,
Yellore, Bejjur Mandal, Adilabad District.

2. The Divisional Cooperative Officer,

Manchiryal, Adilabad District.

3. The Deputy Registrar of Cooperative Societies,

Manchiryal, Adilabad District.

4. The Registrar of Cooperative Societies,

Government of Andhra Pradesh, Nampally,.

Hyderabad.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction, especially, one in the nature of Writ of Mandamus

declaring the order of suspension passed against the petitioner vide proceedings dt. 29-10-2004 by the1st respondent is illegal, arbitrary and without jurisdiction and consequently set aside the same and pass such other order or orders.

**Counsel for the Petitioner: MR.CH.RAVINDER**
**Counsel for the Respondents: GP FOR COOPERATION**

**The Court at the stage of admission made the following:**

**ORDER:**

Challenging the order of suspension passed against the petitioner vide proceedings dated 29.10.2004 by the first respondent, the writ petition is filed.

2. Learned counsel appearing for the petitioner vehemently contended that the Manager/Person in charge, Primary Agricultural Coop-societies Ltd., has no jurisdiction to pass suspension order. The Registrar is the competent authority to give a direction to the Committee under Section 59 of the A.P. Cooperative Societies Act to place such an employee of the Society under suspension, if he finds prima facie evidence against such employee. The impugned suspension order is not in pursuance of any direction given by the Registrar. Therefore, it suffers from legal infirmities.

3. On the other hand, learned counsel for the respondents contended that the petitioner has committed serious irregularities of cash transactions to the amount of Rs.5,12,251/- and therefore the Managing Committee has rightly resolved to place the Secretary under suspension and therefore, suspension order does not suffer from any legal infirmities.

4. Normally, this Court will not interfere with the suspension order pending enquiry. However, in this case, the jurisdiction of the person, who issued the suspension order, is under challenge. No doubt, as rightly contended by the learned counsel for the petitioner under Section 59 of the Act the Registrar can issue a direction to the Managing committee to place under suspension of an employee of the Cooperative society. But, this suspension order dated 29.10.2004

reads thus:

> "The matter has been placed before the Managing Committee held on 01.09.2004 of the society in which it has been resolved to place the Secretary under suspension with immediate effect for grave irregularities committed by the writ petitioner, tampering of cash book, pasting white paper in the cash book after completion of the audit and also misappropriation of the society funds to the tune of Rs.5,12,251/-." The Managing Committee has resolved to place the petitioner under suspension under Section 31 A (15) of the Societies Act. The committee of the society shall subject to the provisions of the Act exercise certain functions including suspension of any officer. Therefore, the suspension order is completely in accordance with the Cooperative societies Act.

5. The contention of the learned counsel for the petitioner cannot be accepted as it is devoid of merit. Therefore, the writ petition is devoid of merit and is dismissed at the stage of admission. However, the respondent society is directed to complete the enquiry with in a period of four months from the date of receipt of a copy of this order. However, the observations made here is only for the purpose of this writ petition which shall not have any impact or bearing in the enquiry.

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K.C.BHANU,J

Date: 23rd December 2004.

BSB

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Manager/Person Incharge,

Primary Agricultural Coop. Societies Ltd,
Yellore, Bejjur Mandal, Adilabad District.

2. The Divisional Cooperative Officer,

Manchiryal, Adilabad District.

3. The Deputy Registrar of Cooperative Societies,

Manchiryal, Adilabad District.

4. The Registrar of Cooperative Societies,

Government of Andhra Pradesh, Nampally,.

Hyderabad.

5. Two CCs to the Government Pleader for Cooperation, High Court

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